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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,027

07/13/2006

Prakasa R. Anantaneni

81,653

1729

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EXAMINER

OGDEN JR, NECHOLUS

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

05/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,027	Applicant(s) ANANTANENI ET AL.	
	Examiner Necholus Ogden, Jr.	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 13-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/06;1/10;3/10</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Claims 9-12, 15-23 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Steindorff (1,916,776) is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 9-12 and 15-23 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 9-12, 15-23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Naylor (5,519,154).
4. Naylor discloses a process comprising: providing at least one alkylene oxide having between 2 and 8 carbon atoms (col 4, ln 15-23; ethylene oxide or other alkylene oxide); providing an aqueous solution comprising a bi-sulfite anion (claim I(b)); contacting the alkylene oxide with the aqueous solution while maintaining a pH between about 5 and about 10 (claim I(b); pH between 6.0 and 7.8); and forming a mixture of (i) a first isomer having the structure (col 7, ln 32; 1-sulfo isomer): wherein R1 and R2 are straight chain or branched C1 to C6 alkyl groups (col 4, ln 62-64; the sulfonate is reacted with a fatty acid which may be straight or branched), and (ii) a second isomer having the structure (col 7, ln 34; 2-sulfo isomer): wherein R3 and R4 is a straight chain or branched C1 to C6 alkyl group (col 4, ln 62-64; the sulfonate is reacted with a fatty acid which may be straight or branched), and wherein a molar ratio of the first isomer and the second isomer ranges from about 19:1 to about 1:19 (col 7, ln 32 and col 7, ln 34; 78 mol% to 10 mol% of 1-sulfo isomer to 2-sulfo isomer).

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5. Naylor discloses a process comprising: providing at least one alkylene oxide having between 2 and 8 carbon atoms (col 4, ln 15-23; ethylene oxide or other alkylene oxide); providing an aqueous solution comprising a bi-sulfite anion (claim 1(b)); contacting the alkylene oxide with the aqueous solution while maintaining a pH between about 5 and about 10 (claim 1(b); pH between 6.0 and 7.8); and forming a mixture of (i) a first isomer having the structure (col 7, ln 32; 1-sulfo isomer): wherein R1 is a straight chain or branched C1 to C6 alkyl group and R2 is a hydrogen atom, and alternatively both R1, R2 are hydrogen (col 4, ln 62-64; the sulfonate is reacted with a fatty acid which may be straight or branched or hydrogen) (ii) a second isomer having the structure (col 7, ln 34; 2-sulfo isomer): wherein R3 is a hydrogen atom and R4 is a straight chain or branched C1 to C6 alkyl group, and alternatively both R3, R4 are hydrogen (col 4, ln 62-64; the sulfonate is reacted with a fatty acid which may be straight or branched or hydrogen), wherein a molar ratio of the first isomer and the second isomer ranges from about 19:1 to about 1:19 (col 7, ln 32 and col 7, ln 34; 78 mol% to 10 mol% of 1-sulfo isomer to 2-sulfo isomer). Regarding claim 3, Naylor discloses a process of claim 2 as discussed above. Naylor further discloses a process wherein the molar ratio of the first isomer and the second isomer ranges from about 15:1 to about 1:15 (col 7, ln 32 and col 7, ln 34; 78 mol% to 10 mol% of 1-sulfo isomer to 2-sulfo isomer). Regarding claim 4, Naylor discloses a process of claim 2 as discussed above. Naylor further discloses a process wherein the molar ratio of the first isomer and the second isomer ranges from about 19:1 to about 4:1 (col 7, ln 32 and col 7, ln 34; 78 mol% to 10 mol% of 1-sulfo isomer to 2-sulfo isomer). Regarding claim 12,

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Naylor discloses a process comprising: providing a hydroxide solution (col 4, In 24-26); providing sulfur dioxide (col 4, In 42-44); providing at least one alkylene oxide having between 2 and 8 carbon atoms per molecule (col 4, In 15-23; ethylene oxide or other alkylene oxide); forming a mixture of (i) a first isomer having the structure (col 7, In 32; 1-sulfo isomer): wherein R1 is a straight chain or branched C1 to C6 alkyl group and R2 is a hydrogen atom, and alternatively both R1, R2 are hydrogen (col 4, In 62-64; the sulfonate is reacted with a fatty acid which may be straight or branched or hydrogen). (ii) a second isomer having the structure (col 7, In 34; 2-sulfo isomer): wherein R3 is a hydrogen atom and R4 is a straight chain or branched C1 to C6 alkyl wherein the mixture is formed while maintaining a pH of between about 7 and about 8; and alternatively both R3, R4 are hydrogen (col 4, In 62-64; the sulfonate is reacted with a fatty acid which may be straight or branched or hydrogen) wherein a molar ratio of the first isomer and the second isomer is ranges from about 19:1 to about 4:1 (col 7, In 32 and col 7, In 34; 78 mol% to 10 mol% of 1-sulfo isomer to 2-sulfo isomer). Regarding claim 13, Naylor discloses a process of claim 12 as discussed above. Further Naylor discloses a process wherein the at least one alkylene oxide (col 4, In 37), the hydroxide solution (col 4, In 24-26), and the sulfur dioxide (col 4, In 42-44) are provided at i substantially the same time (col 4, In 37-46).

6. As this reference teaches all of the instantly required, it is considered anticipatory.

In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it would have nonetheless been obvious to the skilled artisan to produce the

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claimed composition, as the reference teaches each of the claimed ingredients within the claimed proportions for the same utility.

When the species is clearly named, the species claim is anticipated no matter how many other species are additionally named. Ex parte A, 17 USPQ2d 1716 (Bd. Pat. App. & Inter. 1990) See also In re Sivaramakrishnan, 673 F.2d 1383, 213USPQ 441 (CCPA 1982).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden, Jr. whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Necholus Ogden, Jr./
Primary Examiner
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